

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VAN D. WILSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:14 CV 72 RWS
	)	
JASON LEWIS,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before me on Petitioner Van Wilson's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. I referred this matter to United States Magistrate Judge John M. Bodenhausen for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). The magistrate judge submitted his recommendation that Wilson's habeas petition should be denied. Wilson has filed objections to the magistrate judge's report. I have conducted a *de novo* review of Wilson's claims and have carefully reviewed the record in this case. Based on that review, I agree with the magistrate judge that Wilson's petition should be denied.

Wilson was convicted of first degree murder and armed criminal action. He was sentenced to life imprisonment without parole on his first degree murder conviction and a consecutive life sentence for his armed criminal action conviction. Wilson's conviction was based on evidence at trial that Wilson beat an

acquaintance with a tree branch and then shot the victim in the head.

In his habeas petition Wilson raises twenty-five grounds for relief. In his report and recommendation, the magistrate judge found that the vast majority of Wilson's grounds for relief were procedurally defaulted. However, the magistrate judge reviewed all of Wilson's grounds on the merits. He concluded that Wilson is not entitled to habeas relief on any of the grounds.

I have reviewed Wilson's objections to the magistrate judge's report and recommendation and I have reviewed the record in this case. I agree with the magistrate judge's thorough and correct analysis of Wilson's grounds for relief. I find that Wilson is not entitled to habeas relief on any of the grounds raised in his petition. As a result, I will adopt the report and recommendation of the magistrate judge and deny Wilson's petition.

#### *Certificate of Appealability*

I have considered whether to issue a certificate of appealability in this matter. To grant a certificate of appealability, I must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994).

I believe that Wilson has not made such a showing on the grounds raised in his petition. Therefore, I will not issue a certificate of appealability.


Accordingly,

**IT IS HEREBY ORDERED that** United States Magistrate Judge John M. Bodenhausen 's report and recommendation is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED that** Petitioner Van Wilson's Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED that** the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of March, 2017.